

Remarks/Arguments

The present amendment is made in response to the Office Action dated November 4, 2003 and identified as Paper No. 13. Claims 1-14 remain in the application.

In the Action, the Examiner rejected claims 1 and 8 under 35 U.S.C. § 102(b) as anticipated by Japanese Patent Reference No. 09330473 ("Japanese Reference") or by U.S. Patent No. 5,580,217 to Cole ("*Cole*"). Claims 2-6 and 9-14 were rejected under 35 U.S.C. § 103(a) as obvious over *Cole*. Claim 7 was allowed.

With regard to rejection of claims 1 and 8 as anticipated by the Japanese Reference, the cited reference does not contain each and every element of the claimed invention as required for a rejection under 35 U.S.C. § 102. In particular, claims 1 and 8 require "merging said graphic with text in real time." As described in the specification, the graphics element (whether a watermark, circle-about-an-item, or strike-through) is merged in real time with textual information to enhance the look of the receipt. The cited reference only discloses printing a graphic serially with text, i.e., the receipt contains text, then a graphic, then more text. The claimed invention calls for the graphic to be merged with the text and then printed in real time, i.e., in parallel. Claims 1 and 8 have been amended to more clearly point out this feature of the claimed invention and now recite "printing said merged graphic with text upon a sales receipt." Under the method taught by the cited reference, it is not possible to print a watermark, circle-about-an-item, or strike-through, because these graphical enhancements require that the text be intermingled with graphics. For example, the strike-through graphic involves the merger of a horizontal line with the text in real time and then printing the combined text and line. Without the recited step of "merging said graphic with text in real time," the text or text line would be printed without the graphic.

With regard to rejection of claims 1 and 8 as anticipated by *Cole*, the cited reference does not contain each and every element of the claimed invention as required for a rejection under 35 U.S.C. § 102. As described above with regard to the Japanese Reference, *Cole* lacks the claimed step of "merging said graphic with text in real time" and therefore could not print a receipt having the graphic enhancements possible with the present invention.

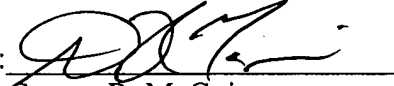
With regard to rejection of claims 2-6 and 9-14 as obvious in view of *Cole*, the modification suggested to the cited reference by the Examiner do not result in a device which contains each and every element of the claimed invention as required for a rejection under 35 U.S.C. § 102. As explained above, even if one of skill in the art knew of the various graphical enhancements, the device disclosed in *Cole* could not print such enhancement on a receipt in real time combination with text.

Enclosed is a change of correspondence address form.

In view of the foregoing amendments, the Examiner's reconsideration is requested and allowance of the present application is believed to be in order. If the Examiner believes a phone conference with Applicant's attorney would expedite prosecution of this application, he is respectfully requested to contact the undersigned at (315) 218-8515.

Respectfully submitted,

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